

**REMARKS/ARGUMENTS**

By the present Amendment, claims 1, 20, and 22 are pending in this application. Claims 2-19, 21, and 23-41 are withdrawn herein as being directed to a non-elected invention. Applicants reserve the right to file one or more continuation, continuation-in-part, or divisional applications directed towards any withdrawn subject matter.

***Election/Restriction***

The Office Action has required restriction of the invention under 35 U.S.C. § 121 into the following groups:

- Group I: Claims 1, 20 and 22 drawn to a compound of formula (I)
- Group II: Claim 2 drawn to a compound of formula (II)
- Group III: Claim 3 drawn to a compound of formula (III)
- Group IV: Claims 4-6 drawn to a compound comprising aromatic moiety
- Group V: Claims 7-12 drawn to a compound comprising benzopiperazine moiety
- Group VI: Claims 13 and 14 drawn to a compound comprising azaanthracene moiety
- Group VII: Claims 15-19 drawn to a method of treatment of a disease
- Group VIII: Claim 21 drawn to a method of use of a compound
- Group XI: Claims 23-36 drawn to another method of use of a compound
- Group X: Claims 37 and 38 drawn to a method of use of a compound
- Group XI: Claim 39 drawn to a method of use of a compound
- Group XII: Claims 40 and 41 drawn to another method of use of a compound.

In response, Applicants hereby elect Group I, Claims 1, 20 and 22 drawn to a compound of formula (I).

In re Application of Beachy et al.  
Application No.: 10/574,248  
Filed: October 30, 2006  
Page 9

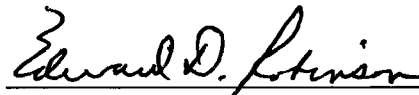
PATENT  
Attorney Docket No. JHU1930-1

### **CONCLUSION**

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

No additional fees are believed to be due with the present communication, however, the Commissioner is hereby authorized to charge any fees that may be due in connection with the filing of this paper, or credit any overpayment to Deposit Account No. 07-1896, referencing the above-identified Attorney Docket Number.

Respectfully submitted,



Edward D. Robinson J.D., Ph.D.

Registration No. 43,049

Telephone: (858) 677-1434

Facsimile: (858) 677-1465

Date: June 18, 2009

DLA Piper LLP (US)  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
**USPTO Customer Number 28213**